

The Coroner and the Common Law

Part V. Coroner or Medical Examiner?

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PERIODICALLY IN THE PAST contention has arisen regarding the relative virtues of the medical examiner system and the coroner system. Champions of both systems have been employed to make numerous studies and reports in California. There have been both wide variance and close agreement among the several investigators, but basically they all recognize that the real determining factor in gauging the value of a medicolegal office is the quality of work that it does. The terms *coroner's office* and *coroner system* have carried a stigma in many areas in the past because of the incompetence in some of the jurisdictions as well as because of the adverse historical implications. On the other hand, a new name for incompetence does not change the quality of work nor does a name reduce the standards of a well operated office. It might be that a new title for an official engaged in medicolegal work in the State of California would be desirable, but such a change will require legislative action far out of proportion to any immediate benefits which might be derived from such a change. No title will insure the medicolegal investigating officer's competence, capacity or incorruptibility.

In the final analysis, the adequacy of a medicolegal system depends upon the training of its personnel. In the past, where personnel and financial support were available, offices with meager beginnings have acquired staffs of well trained technicians, secretaries, investigators and consultants who have done good work under a well qualified and well compensated administrator.

In considering the extent to which a system should be developed in any specific locality, one must take into consideration the geographic features, distribution of population, local finances, other economic and social factors, potentialities for growth, office and housing space, load figures and the local philosophy of the area.

If one were to evolve a statewide system for medicolegal investigation, some cooperative balance would have to be established between the urban centers with enough funds to staff a competent office and suburban areas that had no money or personnel or laboratory facilities. In fourteen coun-

ties of California the duties of coroner and sheriff are combined under the charge of one person. In many counties the duties of coroner and public administrator are combined. There are unique factors that justify the combinations in certain instances, but there are areas in the State of California that now have combinations of this sort although they would be better served by separate offices, with each division staffed by a specialist in the field.

Obviously, it is essential at all times that the medicolegal officer of the county work closely with the law enforcement officers and with the district attorney's office, but where the volume of work to be done warrants the expense, separate and individually integrated offices offer the best potential services. Where volume and funds permit, the medicolegal office seems to be best served by a physician, in spite of the judicial and legal requirements of the office. It seems more practical for a physician to acquire the necessary legal knowledge to conduct the legal routines of the coroner than for an advocate or jurist to acquire the medical knowledge essential for medicolegal investigation. The background of experience needed for the best direction of a medicolegal office staff is also overwhelmingly weighted on the medical side.

Some supporters of the coroner-sheriff combination have suggested that the same law enforcement agency should be concerned and charged with not only the responsibility of an initial investigation into the cause of death but also with the detection, apprehension and detention of suspected persons. Others maintain that the coroner or medicolegal officer of the county should only determine the cause of death and should have no further investigative responsibility. Such limitation is, of course, archaic and is not currently acceptable because of the now heavy and still expanding responsibilities of the modern medicolegal investigating system. A middle course between these two extremes offers the most promise.

The Pathologist

No one likes death, not even the people who choose it voluntarily. People commit suicide only because they like death better than the life they have. Death is also generally messy; and dead people, whether embalmed or not, soon become physi-

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cally repulsive. Yet the pathologist, when he is engaged in medicolegal investigation, must examine dead bodies by the necropsy technique; and unattractive and unpleasant though the procedure may be, there is no discipline in which accuracy is more essential or honesty, knowledge and experience at a higher value. The benefits of the necropsy and medicolegal studies are great and accrue not only to science but to society as well. The academic contributions derived from an autopsy study are inherited by posterity, for the final focus of such scientific investigations is on the welfare and future of mankind. Observations at autopsy are constantly being translated into new safety and health programs that become a part of man's progress in the art of living, contributing to his future comfort, security and happiness. Knowledge that this is so helps the medicolegal investigator to overcome some of the repulsive aspects of his work.

Coroners of the 19th and early 20th centuries had little stimulation to make contributions of this order. Neither the statutes of the time nor the attitude of society were such as to whet a scientific interest in the work or to encourage academic research in this field. Coroners were in fact prohibited from such activities by law. It is understandable in the circumstances that the office of coroner deteriorated almost to nullity. Pure scientists, be they social scientists or medical scientists, are unique and peculiar in their attitude. Intellectual curiosity and academic interest coupled with a social conscience establish a part of the formula for their motivation. To function happily and effectively, however, investigators must have legal authority, source material, financial support and a place to work. All these facilities have, at various times, been denied the medicolegal scholar.

With singular exceptions this situation still prevails, but progress is being made. While many of the reports of investigations of our medicolegal system have been unduly critical or prejudiced, they have without exception embraced the principle of improvement of the existing system or a change of the existing system to one with more promise. Better laws, better personnel and better financial support have been routinely mentioned by all. On the other hand, legislators and officials have frequently been indolent and disinterested when confronted with their constituents' medicolegal necessities. Educational institutions, with rare exceptions, have neither established departments of legal medicine nor offered planned courses to matriculate students in the field. Financial support from public sources continues to be meager; bequests are virtually unknown because no individual, or single segment of society, can derive much personal profit from either the support of a single research project or a comprehensive

group program. Yet medicolegal investigation, especially where there is uniformity and competence, profits everyone. The financial responsibility assumed by the medicolegal investigator and the emoluments which hinge upon his findings have become matters of imposing magnitude. Many millions of dollars' worth of insurance policies, indemnities and industrial awards are distributed on the basis of medicolegal studies, but the value of medicolegal findings in criminal cases where either the public safety or the personal freedom of individuals is involved may be even greater. Today, even the best medicolegal consultation available is not good enough to provide all the accurate, impartial scientific work the public needs. Time, money, public cooperation and research must be regularly contributed and wisely used in order to assure each citizen his rights, privileges and safeguards.

RECOMMENDATIONS

In condensing the conclusions, opinions, and recommendations of the committees who have studied the medicolegal problem, the following recommendations predominate:

1. That properly accredited medical societies and legal societies be requested by the State Legislature to establish standards of qualification for personnel engaged in medicolegal investigation. These recommendations should include not only qualifications, but salary scales.
2. That these same agencies be requested by separate or by joint effort of their memberships to establish the responsibility of medicolegal officers within the context of current statutes, and, if necessary, to recommend legislation revising the scope and status of responsible medicolegal officers.
3. That medical schools and major educational centers be requested to intensify and augment training programs in legal medicine for medical students and for postgraduate students as well, and that continuing education for practicing physicians be provided to further acquaint them in newer methods and enlarged scope of forensic pathology. It is believed that an adequate panel of experts may be developed by such procedures for service in respective areas of medical practice.
4. That colleges and medical schools, upon their students' completion of a given curriculum, make available a list of students who are available for employment in medicolegal offices throughout the state.
5. That the utilization of qualified personnel be encouraged by postgraduate university extension and other miscellaneous courses offered to in-

cumbent sheriffs, coroners, public administrators, and other interested groups within the State of California to provide refresher courses and to introduce new techniques.

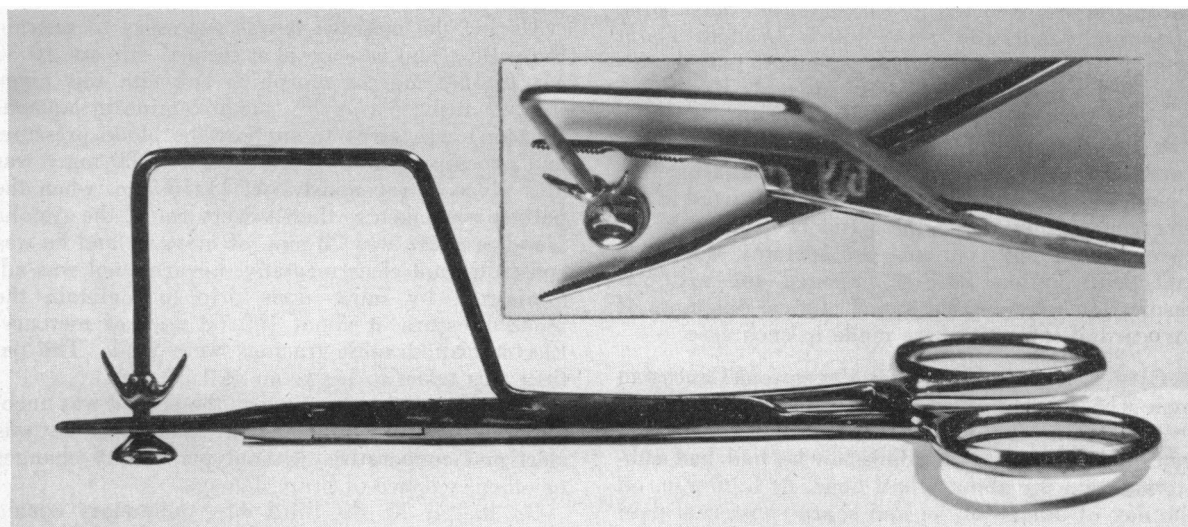
6. That provision be made temporarily for adequately trained personnel to be available for consultation in rural areas where facilities currently do not exist and where minimum budgets preclude the full or part time employment of specialists in the respective fields.

7. That the local option of rural communities be maintained and that the principle of county or home rule continue to be recognized. Within such areas, however, it is suggested that a well balanced and comprehensive campaign of public education be instituted for the dissemination of information regarding the legal background, the social necessities and the proper functions of an office of medicolegal investigation.

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A New Circumcision Instrument

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THE INSTRUMENT pictured* is designed to make circumcision easier and quicker. The bell shaped dome (which has openings in it to permit the escape of urine) fits over the tip of the glans penis, and the two prongs are used to hold the foreskin forward under tension. Since the blades of the hemostat are notched to fit around the rod on which the bell dome and the prongs are mounted (see inset), they can be clamped together tightly enough to effect hemostasis in the prepuce at the operative site.

In the use of this instrument, the first step is to free any adhesions of the prepuce to the glans, spread the prepuce with forceps, retract it behind the corona, then return it to its original position covering the glans. This done, the hemostatic blades

of the clamp are spread wide, the bell dome is placed on the tip of the glans, and the prepuce is drawn upward with forceps and hooked on the two prongs to hold it in place. If the penis is small, the prepuce need not be drawn taut; but if of average size or larger, more tension must be used in order that after the operation there will be enough retraction to draw the remaining skin back beyond the corona.

With the prepuce held forward on the prongs at the right degree of tension, the hemostat is clamped and the prepuce is cut off with scissors and scalpel flush with the jaw of the hemostat. As soon as clotting occurs, the clamp is opened and the bell dome is gently removed from the glans. If a dressing is needed, gauze impregnated with petroleum jelly is suitable.

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*Made to author's specifications. Not generally available.